

Appln. No.: 10/502,428  
Amendment Dated August 5, 2005  
Reply to Office Action of May 6, 2005

PC10334US

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Figure 1. This sheet replaces the original sheets.

Attachment

**Remarks/Arguments:**

By this amendment, Applicants have amended claims 10-14 and 16-19. Each of the amended claims is amended to address formalities. No new matter is introduced by the amended claims.

**Objections to the Drawing**

The Examiner objected to the drawing as containing non-English (German) language. The replacement drawing sheet submitted herewith amends the non-English language to English language. No other changes are made to the drawings and no new matter is added. Applicants respectfully submit that the drawing as amended addresses the Examiner's concerns and respectfully submit that this objection should be withdrawn.

**Claim Rejections Under 35 U.S.C. §112**

The Examiner rejected each of the pending claims under 35 U.S.C. §112, second paragraph, indicating that the steps for performing the claimed method are not clearly recited and lack antecedent bases and thereby render the claims indefinite. Applicants respectfully submit that the claims as amended particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim Rejections Under 35 U.S.C. §102**

The Examiner rejected claims 10-19 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,231,134 (Fukasawa '134). The Examiner rejected claims 10-19 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,687,593 (Crombez '593.). Applicants respectfully traverse these rejections.

With respect to the rejection of claims 10-19 under 35 U.S.C. §102(e) as being anticipated by Crombez '593, 35 U.S.C. §102(e) states:

A person shall be entitled to a patent unless -

(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or

The Crombez '593 patent application was filed on September 6, 2002, with no claim of priority. The present application is a national phase application of PCT International Application No. PCT/EP03/01036, filed February 3, 2003, which in turn claims priority to German Patent Application No. DE10204723.5, filed February 5, 2002. The current Office Action acknowledges the claim for foreign priority and indicates that certified copies of the priority documents have been received in this National Stage application from the International Bureau. The priority claim to the German application antedates the September 6, 2002 filing date of the Crombez '593 patent, thus eliminating the patent as a reference against this application. Withdrawal of the rejection of the claims based on the Crombez '593 patent is therefore respectfully requested.

With respect to the rejection based on the Fukasawa '134 patent, applicants respectfully submit that the Fukasawa '134 patent fails to teach or suggest each and every claimed limitation. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. §2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claim 10 recites a method for coordinating the application of regenerative and anti-lock brake systems wherein the regenerative brake system is switched off upon entry into an ABS control phase and comprising the steps of applying post ABS regenerative braking by the regenerative brake system at the termination of the ABS control phase based on determined criteria with the post ABS regenerative braking being in a modified form compared to a regenerative braking operation prior to the entry into the ABS control phase.

Each embodiment of the Fukasawa '134 patent is directed to the modified control of the friction brake upon application of an ABS control mode. The Fukasawa '134 patent explains that the regenerative brake is zeroed upon application of the ABS control mode. The Fukasawa

'134 patent then provides several embodiments for controlling the friction brakes during the ABS control mode to compensate for the zeroing of the regenerative brake. All of the control functions are directed to the friction brake. The Fukasawa '134 patent is silent on the control of the regenerative brake system upon termination of the ABS control mode.

None of the cited references, alone or in any reasonable combination, teaches or suggests each limitation of the claimed invention. Claims 11-19 all ultimately depend from claim 10 and are therefore allowable for, *inter alia*, the reasons set forth above.

It is respectfully submitted that each of the pending claims is in condition for allowance. Early reconsideration and allowance of each of the pending claims are respectfully requested.

If the Examiner believes an interview, either personal or telephonic, will advance the prosecution of this matter, it is respectfully requested that the Examiner get in contact with the undersigned to arrange the same.

Respectfully submitted,



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Attachments: Figures 1 (1 sheet)

Dated: August 5, 2005

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August 5, 2005

